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8 United States District Court  
9 Eastern District of California  
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12 Curtis J. Williams,

13 Plaintiff,

No. Civ. S 05-0164 DFL PAN P

14 vs.

Order

15 R. W. Sandham, et al.,

16 Defendants.  
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18 Plaintiff is a state prisoner without counsel who in his  
19 January 26, 2005, complaint alleges defendants provided  
20 constitutionally inadequate medical care for his eye condition.  
21 Defendants have answered.

22 October 7, and October 13, 2005, plaintiff moved for leave  
23 to "amend" or "supplement" the pleading to allege events that  
24 occurred since he filed the complaint. He seeks to supplement  
25 the complaint since the events "happened since the date of the  
26 pleading sought to be supplemented." Fed. R. Civ. P. 15(d).

1 Whether to permit such supplemental pleading is within this  
2 court's discretion.

3 The court finds it cannot evaluate whether to permit  
4 supplementation because plaintiff has not lodged a supplemental  
5 pleading.

6 Accordingly, plaintiff's October 7 and 13, 2005, requests  
7 are denied without prejudice.

8 So ordered.

9 Dated: December 13, 2005.

10 /s/ Peter A. Nowinski

11 PETER A. NOWINSKI  
12 Magistrate Judge  
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